

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**Block E Hotel Capital, LLC and  
Block E Hotel Capital II, LLC,**

**Civil No. 05-426 (JNE/SRN)**

**Plaintiffs,**

**ORDER**

**v.**

**Meridien Hotels, Inc. and  
Juergen Bartels,**

**Defendants.**

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J. Michael Dady, Esq. and William Fulton, Esq. on behalf of Plaintiffs

Christopher R. Morris, Esq. and Gabriel M. Nugent, Esq. on behalf of Defendants

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated October 28, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED that:**

1. Defendants' Motion to Stay Litigation and Motion to Dismiss (Doc. No. 11) is

**GRANTED in part and DENIED in part** as set forth herein and proceedings in this matter are stayed pending the outcome of arbitration; and

2. Plaintiffs' Motion to Stay Arbitration (Doc. No. 17) is **DENIED**.

DATED: November 30, 2005

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Court Judge